REMARKS

Claims 1-18 are pending in the above-mentioned application. Claim 1-18 are rejected. More specifically and in accordance with the item numbering therein, the Office Action has:

In Item 1, objected to claims 1, 12, 15 and 18 as having insufficient antecedent basis for the phrases "the compressed commercial" and "the number of pictures." Applicants thank the Examiner for his careful review. Applicants have canceled claims 1-18 and provided new claims 19- 26 to more clearly claim the invention. Applicants believe that the antecedent issues identified by the Examiner are no longer present in these claims. Applicants respectfully request entry of these claims into the record.

In Items 2 and 3, rejected claims 1-4, 7-12, 15-16 and 18 under 35 USC 102(e) as being anticipated by Tahara (US Patent No. 2002/0080875); and

In Item 4, rejected claims 5-6, 11, 13-14 and 17 under 35 USC 103(a) as being unpatentable over Tahara '875.

Regarding Items 2 and 3, Applicants respectfully submit that the Tahara reference fails to teach the limitations of independent claims 19, 22, and 26. The Tahara reference teaches several splicing techniques. On technique includes rewriting a vbv_delay value of the old stream into the new stream at the splicing point, when the both the old and new streams are both already coded. Tahara, paragraph 0096. If this creates a problem, then the techique compensates by stuffing bytes into the new stream. Tahara, paragraph 0098. In another technique, the old stream is already coded but the system has control over the coding of the new stream. Parameters from the old stream are used to code the new stream so that it has a commercial that exactly replaces the commercial in the old stream. Tahara, paragraph 0228 and 0233. In a third embodiment, the system has control over the coding of both streams. Tahara, paragraph 0234. However, Applicants' invention only pertains to the case in which both streams are already coded and compressed. In this case, Applicants invention differs markedly from the technique taught in Tahara. Applicants

invention does not rewrite a vbv_delay value of the old stream into the new stream at the splicing point. Instead, as recited in claim 19, Applicants' invention, during the commercial stream, adjusts the vbv_delays of said stream such that the duration of the commercial stream has a maximum duration that is longer than the duration of the network time slot and...multiplexes any stored network feed extra into the network stream while adjusting the vbv_delays of the stored network feed extra until the vbv_delays in the network feed extra matches that in the incoming network feed. No such adjusting of the vbv_delays is taught in the Tahara reference. Similarly, in claim 22, Applicant recites "adjusting the vbv_delays of the commercial stream such that the duration of the commercial stream has a minimum duration that is shorter than the duration of the network time slot," and, in claim 26 "adjusting the vbv_delays of the commercial stream such that the duration of the commercial stream is the same as the expected duration of the network time slot." Again the Tahara reference fails to teach adjusting vbv_delays in this manner. Additionally, the Tahara reference fails to teach the limitation "multiplexing any remaining portion of the commercial stream at a higher stream rate, as recited in claim 19, and the limitation "multiplexing the remaining portion of the commercial stream at a slower stream rate by adjusting the vbv_delays to meet the expected completion time," as recited in claim 22. Applicants can find no teaching in Tahara where the rates are altered to catch up to or fill in network slot time. Therefore, Applicants respectfully submit that the Tahara reference fails to teach Applicants' invention as recited in claims 19, 22 and 26.

Regarding new claims 20, 21, 23, 24, and 25, Applicants respectfully submit that these claims are allowable at least because the independent claims from which they depend are allowable. Additionally, the Tahara reference fails to teach the limitation "wherein any stored feed extra is at least as large as the difference between the 30.5 seconds and the network time slot duration," as recited in claim 21 because the reference does not teach the storing of any network feed when the commercial time slot is larger than the network time slot. Additionally, the Tahara reference fails to teach the limitation "wherein the slower stream rate for the remaining portion of the commercial stream is based on taking the difference between the duration of the network time slot and 29.5 seconds," as recited in claim 24, because the reference fails to teach adjusting the stream

rate when the commercial slot is shorter than the network time slot. Additionally, Tahara fails to teach the limitations "computing a difference between the number of pictures in the network slot and the number of pictures that have passed in the network stream since the commercial in-point; and multiplying the difference by the picture rate," as recited in claim 25, because Tahara fails to teach anything related to computing an expected completion time of the network time slot based on the number of remaining pictures.

Regarding Item 4, in which the Office Action has rejected claims 5-6, 11, 13-14 and 17 under 35 USC 103(a) as being unpatentable over Tahara '875, Applicant believes that these rejections have been overcome in the discussions of claims 20-21, 23-24.

CONCLUSION

Having addressed each every ground of rejection, Applicants believe that the claims are in form for allowance and respectfully requests that an allowance be granted.

Respectfully submitted,

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